

**IN THE UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

<b>KIMBERLY C. CUTONE, et al.,</b>	]	
	]	
<b>Plaintiffs,</b>	]	
	]	
<b>v.</b>	]	<b>Civil Action No.: 1:04-cv-12725-RCL</b>
	]	
<b>ELI LILLY AND COMPANY, et al.,</b>	]	
	]	
<b>Defendants.</b>	]	

**PLAINTIFFS' SUPPLEMENTAL 26(a)(2) STATEMENT**

COME NOW the Plaintiffs, and hereby supplements their 26(a)(2) Statement to add the following expert who may be called as a witness at trial in this cause:

**Elisabeth A. Keller, M.D.  
Roslindale Pediatrics Associates, P.C.  
1153 Centre Street, Suite 31  
Jamaica Plain, MA 02130**

Dr. Keller is a board certified Pediatrician whose curriculum vitae and fee for expert testimony will be provided upon receipt.

Dr. Keller is expected to testify that she has examined, diagnosed and treated the minor plaintiff, Adrianna Bella Cutone, and that it is her opinion, based on her education, training, experience and review of the medical literature, that Adrianna's pre-term birth at 31 weeks gestation necessitated a 45-day Neonatal Intensive Care admission with concomitant medical expenses, and is causally related to her developmental delays with concomitant therapy expenses. In addition, Dr. Keller is expected to testify with regard to Adrianna's present condition and future prognosis.

A copy of Dr. McIntosh's report will be forwarded upon receipt.

The aforementioned expert's opinions are made at the time of this Statement, and may be amended and/or supplemented as discovery progresses.

The Plaintiffs reserve the right to call:

1. Any witness identified by the Defendant;
2. Any witness not identified to present rebuttal testimony; and
3. Any health care provider who has examined, treated, and diagnosed minor plaintiff, Adrianna Bella Cutone

Respectfully submitted,

/s/ Erica Tennyson

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Counsel for Plaintiffs

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 29th day December, 2005, a true copy of the foregoing Plaintiffs' Supplemental 26(a)(2) Statement was mailed, first-class postage prepaid to:

James J. Dillon, Esq.  
Foley Hoag LLP  
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Boston, MA 02210

/s/ Aaron M. Levine  
Aaron M. Levine